

HOUSE BILL 1966  
By Westmoreland

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 42, Part 1; Title 9, Chapter 8 and Title 63, relative to limiting the liability of licensed health care professionals who provide services within their scope of practice without charge in certain circumstances

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding Sections 2 and 3 of this act as a new, appropriately designated chapter:

SECTION 2. No health care professional licensed by the state under the provisions of this title who voluntarily, without compensation, renders professional health care services within the scope of such person's licensure to any person who is a patient of any clinic which is organized in whole or in part for the delivery of health care services without charge, shall be liable for any civil damages for any act or omission resulting from the rendering of such services unless the act or omission was the result of such health care professional's gross negligence or willful misconduct.

SECTION 3. Any licensed health care professional rendering such health care services who:

- (1) registers with the board of claims; and
- (2) has no legal or financial interest in the clinic in which the patient is treated or referred

shall be deemed an employee of the state and to be acting in an authorized governmental capacity with respect to delivery of such health care services.

SECTION 4. Tennessee Code Annotated, Section 8-42-101(3), is amended by adding the following language as a new, appropriately designated subitem:

( ) “State employee” under this chapter also includes a health care professional licensed by the state under the provisions of Title 63 who:

(1) voluntarily, without compensation, renders professional health care services within the scope of such person's licensure to any person who is a patient of any clinic which is organized in whole or in part for the delivery of health care services without charge; and

(2) registers with the board of claims in accordance with Section 3.

SECTION 5. Tennessee Code Annotated, Title 9, Chapter 8, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. The board shall develop a mechanism for health care professionals to register with the board in accordance with Section 3 of this act.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.